

Attorney's Docket No.: 006404.P013

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Gek Hoon Quat, et al.

Application No.: 10/734,710

Filing Date: December 12, 2003

For: CONNECTION FOR AUDIO
TRANSFER

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION ASSERTING SUBMISSION OF FILING DOCUMENTS

This is a petition to rescind the Notice of Incomplete Nonprovisional Application filed under 37 CFR § 1.53(b) which was mailed to Applicant on March 30, 2004. Applicant believes the Notice of Incomplete Nonprovisional Application was mailed in error according to the facts listed below and the attached documents.

1. On December 12, 2003, Applicant filed a Utility Patent Application. The application package included a Utility Application Transmittal (in duplicate), a Fee Transmittal (in duplicate), the application (specification) (10 pages), drawings (four sheets), a Declaration and Power of Attorney signed by the inventors, an Assignment signed by the inventors and an appropriate cover sheet, our Check Nos. 61710 and 61711 in the amounts of \$896.00 and \$40.00 in payment for the application filing fee and assignment recordation fee, respectively, and a return receipt postcard. The attorney

for Applicant carefully checks each set of application documents being sent to the U.S. Patent Office to ensure that all documentation is enclosed before it is put into the Express Mail envelope.

2. The Express Mail Receipt for this application was dated by the U.S. Postal Service as being received on December 12, 2003 (please see "Date In" box on the Express Mail Receipt). In addition, the postcard that accompanied this application was date-stamped by the Patent Office mail room as being received on December 12, 2003 and the serial number of 10/734,710 was assigned to this application. The date-stamped postcard includes the item noted as "Application – Utility (10 pgs., with cover sheet and abstract)." Please note that the Express Mail Airbill Number "EV 336589202 US" is the same number that appears on the postcard and also on the Utility Patent Application transmittal form. A copy of the Express Mail Receipt and a copy of the return receipt postcard with the serial number sticker are attached hereto as Exhibits A and B.

3. Nearly four months later, Applicant has now received a Notice of Incomplete Nonprovisional Application for Serial No. 10/734,710 which was mailed from the Patent Office on March 30, 2004. The Notice indicates that the specification is missing, and that the original filing date has not been accorded to these application papers. A copy of the Notice of Incomplete Nonprovisional Application is attached hereto as Exhibit C.

Applicant petitions the Patent Office to rescind the Notice of Incomplete Nonprovisional Application and to reinstate the original filing date of December 12, 2003. It is clear from the attached documents that Applicant filed the Utility application with the specification enclosed, and the specification has apparently been misplaced

during processing by the Patent Office. Enclosed in response to a telephone call with the Patent Office today are duplicate copies of the specification and figures, as well as a check in the amount of \$130.00 in payment for the petition fee under 37 CFR § 1.17(h). According to the information received today, a new Declaration is not required with this Petition.

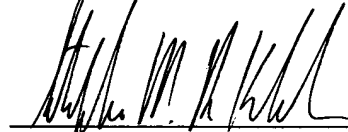
Applicant also requests a refund of the petition fee, as the application is entitled to the original filing date.

If there are any additional fees, please charge them to Deposit Account 02-2666.

If you have any questions, please contact the undersigned.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



Stephen M. De Klerk
Reg. No. 46,503

Dated: April 6, 2004

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
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First-Class Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on:

April 6, 2004

Date of Deposit

Linda K. Brost

Name of Person Mailing Correspondence



Signature

April 6, 2004

Date



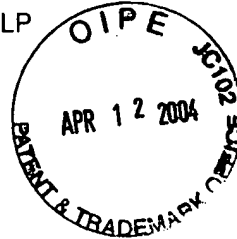
UNITED STATES PATENT AND TRADEMARK OFFICE

Exhibit C

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/734,710	12/12/2003	Gek Hoon Quat	006404.P013

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CONFIRMATION NO. 2360

FORMALITIES LETTER



OC000000012220263

Date Mailed: 03/30/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The specification is missing.
A complete specification as prescribed by 35 U.S.C. 112 is required.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Exhibit A

ORIGIN (POSTAL USE ONLY)				DELIVERY (POSTAL USE ONLY)			
PO ZIP Code 95101	Day of Delivery Mon <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Flat Rate Envelope <input checked="" type="checkbox"/>	Delivery Attempt <input checked="" type="checkbox"/> First <input type="checkbox"/> Second	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature		
Date in Month 12/12/03	Time 1:45 PM	Postage \$ 1.00	Delivery Attempt <input checked="" type="checkbox"/> First <input type="checkbox"/> Second	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature		
Weight 6 lbs 0 oz	Hint 1 Alpha Country Code	Return Receipt Fee	Delivery Date 12/12/03	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature		
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials SMD	COD Fee	WARRANTY OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I understand that delivery employee's signature constitutes valid proof of delivery.				
CUSTOMER USE ONLY				CUSTOMER USE ONLY			
METHOD OF PAYMENT Express Mail Corporate Acct. No. 901254				Federal Agency Acct. No. or Postal Service Acct. No. 006404			
FROM: (PLEASE PRINT) BLAKELY, SOKOLOFF TAYLOR ZAFMAN 1279 BAKKHEAD PKWY SUNNYVALE CA 94085-4040 006404.P013 SMD/lkb 12/12/2003				TO: (PLEASE PRINT) MS PATENT APPLICATION COMMISSIONER OF PATENT AND TRADEMARK OFFICE PO BOX 1450 ALEXANDRIA VA 22304-1450			
PRESS HARD. You are making 3 copies.				FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com			



Exhibit B

Serial/Patent No.: Not Yet Assigned Filing/Issue Date: Herewith
Client: Creative Technology Limited
Title: CONNECTION FOR AUDIO TRANSFER

BSTZ File No.: 006404.P013 Atty/Secty Initials: SMD/lkb
Date Mailed: December 12, 2003 Docket Due Date: ***

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

<input type="checkbox"/> Amendment/Response (____ pgs.)	<input checked="" type="checkbox"/> Express Mail No.: <u>EV336589202US</u> <input checked="" type="checkbox"/> Check No. <u>61710</u>
<input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)	<input type="checkbox"/> _____ Month(s) Extension of Time Amt: <u>\$896.00</u>
<input checked="" type="checkbox"/> Application - Utility (<u>10</u> pgs., with cover and abstract)	<input type="checkbox"/> Information Disclosure Statement & PTO-1449 (____ pgs.) <input checked="" type="checkbox"/> Check No. <u>61711</u>
<input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)	<input type="checkbox"/> Issue Fee Transmittal Amt: <u>\$40.00</u>
<input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)	<input type="checkbox"/> Petition for Extension of Time
<input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)	<input type="checkbox"/> Petition for _____
<input type="checkbox"/> Application - Design (____ pgs.)	<input checked="" type="checkbox"/> Postcard
<input type="checkbox"/> Application - PCT (____ pgs.)	<input type="checkbox"/> Power of Attorney (____ pgs.)
<input type="checkbox"/> Application - Provisional (____ pgs.)	<input type="checkbox"/> Preliminary Amendment (____ pgs.)
<input checked="" type="checkbox"/> Assignment and Cover Sheet (<u>3</u> pgs.)	<input type="checkbox"/> Reply Brief (____ pgs.)
<input checked="" type="checkbox"/> Certificate of Mailing	<input type="checkbox"/> Response to Notice of Missing Parts
<input checked="" type="checkbox"/> Declaration & POA (<u>4</u> pgs.) (signed)	<input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business
<input type="checkbox"/> Disclosure Docs & Orig & Copy of Inventor's Signed Letter (____ pgs.)	<input checked="" type="checkbox"/> Transmittal Letter, in duplicate (<u>2</u> pgs.)
<input checked="" type="checkbox"/> Drawings: <u>4</u> # of sheets includes <u>4</u> figures	<input checked="" type="checkbox"/> Fee Transmittal, in duplicate (<u>2</u> pgs.)
<input type="checkbox"/> Other: _____	

22387 U.S. PTO
10/734710
121203

[Foreign Associate: Alban Tay Mahtani & de Silva.
Ref. No.: CREA/20302993/KC/mt]